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SENATE

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100-3

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS (ANNEX V OF MARPOL 73/78)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

ANNEX V, REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS, AN OPTIONAL ANNEX TO THE 1978 PROTOCOL RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 (MARPOL 73/78)

FEBRUARY 17, 1987.—Annex was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate.

U.S. GOVERNMENT PRINTING OFFICE

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(II)

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *February 9, 1987.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). I also transmit for the information of the Senate the report of the Department of State on this Annex.

The MARPOL Protocol entered into force for the United States on October 2, 1983. Annex V and the other two Optional Annexes III and IV, which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977, for its advice and consent to ratification.

Annex V prohibits (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land.

The entry into force of Annex V of MARPOL 73/78 will be an important step in controlling and preventing pollution from discharges of ship generated garbage. I recommend that the Senate give early consideration to Optional Annex V of MARPOL 73/78 and give its advice and consent to ratification.

RONALD REAGAN.

IV

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, January 21, 1987.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). Annex V and the other Optional Annexes, III and IV which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977 for its advice and consent to ratification. Optional Annexes III and IV are still the subject of ongoing review and Senate advice and consent to them is not now being sought. The MARPOL Protocol entered into force for the United States on October 2, 1983.

Annex V establishes international regulations for prohibiting or otherwise restricting discharges into the oceans of all types of garbage generated during the normal operation of ships. Annex V will not completely solve the pollution threat of garbage disposal into the oceans but I believe that it is a critical first step in dealing with this international problem. Effective implementation of it would make a significant contribution to reducing the amount of vessel generated plastic garbage and other debris which are currently entering the marine environment seriously endangering a variety of marine life, including birds, marine mammals, turtles and seals. United States ratification would demonstrate to the world the United States resolve to protect that environment, giving due consideration to the joint efforts of the international community in the International Maritime Organization and other fora.

A major purpose of Annex V is to prohibit (subject to limited exceptions) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags. Disposal into the sea of other garbage must be made as far as practicable from nearest land but in any case is prohibited (subject to limited exceptions) if the vessel's distance from the nearest land is less than 25 nautical miles for dunnage, lining and packing materials which will float, and 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal bottles, crockery and similar refuse. Reception facilities capable of accepting garbage from vessels will be required at ports and terminals. We expect the private sector will be capable of providing the additional reception facilities required by this Annex.

As compared to mandatory Annexes I and II on pollution by oil and noxious liquid substances in bulk to which the United States is bound and which have been construed to apply only to seagoing vessels, Annex V will apply to all ships operating in the marine environment.

As with all other MARPOL 73/78 regulations in force for them, States bound by Annex V will be required to apply Annex V regulations to all ships, including those of non-party States, using their ports or otherwise under their jurisdiction.

Annex V will enter into force 12 months after the date on which not less than 15 States, the combined fleets of which constitute not less than 50 percent of the gross tonnage of the world's merchant shipping, have become parties to it. Annex V has not yet entered into force, having been ratified by 27 States representing only approximately 45% of the world's shipping tonnage. United States ratification would increase the tonnage to 49% and would in our view expedite entry into force of Annex V.

This Annex has been under active study by the United States and other nations in an effort to make its provisions more meaningful and enforceable. The International Maritime Organization's Marine Environment Protection Committee (MEPC) at its 23rd session, July 7–11, 1986 agreed to a United States proposed technical amendment to Annex V. This amendment—deletion of the words "or synthetic material incidental to the repair of such nets" from regulation 6(c)—would clarify and strengthen the prohibition on disposal of non-repairable sections of synthetic fishing nets, a problem which is contributing to an increase in the mortality of several marine species. The MEPC also agreed with the United States proposal that this amendment should be circulated with a view to formal adoption in accordance with Article 16 (tacit amendment procedure) of MARPOL 73/78, after entry into force of Annex V so as not to require States that have already retified the Annex to reratify it. This amendment procedure was established to achieve more effective and rapid implementation of technical amendments to MARPOL 73/78 Annexes.

The United States Coast Guard has prepared an environmental assessment indicating that United States ratification of Annex V would not have a significant adverse impact on the environment and would indeed be environmentally beneficial. The environmental assessment will be transmitted separately to the Senate Committee on Foreign Relations. Annex V will require implementing legislation which is being prepared.

Annex V has the support of the United States Coast Guard, National Oceanic and Atmospheric Administration, the Marine Mammal Commission and all other interested agencies of the Executive Branch as well as environmental organizations and a substantial majority of the maritime industry. Although there has been some opposition within the maritime industry, I do not believe it will cause a problem in the ratification process.

I recommend that Annex V be transmitted to the Senate for its advice and consent to ratification at an early date.

Respectfully submitted,

GEORGE P. SHULTZ.

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

REGULATION 1

DEFINITIONS

For the purposes of this Annex:

(1) "Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention.

(2) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00′ South, longitude 142°08′ East to a point in latitude 10°35′ South,
longitude 141°55′ East, thence to a point latitude 10°00′ South,
longitude 142°00′ East, thence to a point latitude 9°10′ South,
longitude 143°52′ East, thence to a point latitude 9°00′ South,
longitude 144°30′ East, thence to a point latitude 13°00′ South,
longitude 144°00′ East, thence to a point latitude 15°00′ South,
longitude 146°00′ East, thence to a point latitude 18°00′ South,
longitude 147°00′ East, thence to a point latitude 21°00′ South,
longitude 153°00′ East, thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153°15′ East.

(3) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Special areas shall include those listed in Regulation 5 of this Annex.

REGULATION 2

APPLICATION

The provisions of this Annex shall apply to all ships.

Regulation 3

DISPOSAL OF GARBAGE OUTSIDE SPECIAL AREAS

(1) Subject to the provisions of Regulations 4, 5 and 6 of this Annex:

(a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;

(b) the disposal into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case if prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

(c) disposal into the sea of garbage specified in sub-paragraph (b)(ii) of this Regulation may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.

(2) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

Regulation 4

SPECIAL REQUIREMENTS FOR DISPOSAL OF GARBAGE

(1) Subject to the provisions of paragraph (2) of this Regulation, the disposal of any materials regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 metres of such platforms.

(2) The disposal into the sea of food wastes may be permitted when they have been passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

Regulation 5

DISPOSAL OF GARBAGE WITHIN SPECIAL AREAS

(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar and the meridian of 5°36′W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8′N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5′N, 43°19.6′E) and Husn Murad (12°40.4′N, 43°30.2′E).

(e) The "Gulfs area" means the sea area located north west of the rhumb line between Ras al Hadd (22°30′N, 59°48′E) and Ras al Fasteh (25°04′N, 61°25′E).

(2) Subject to the provisions of Regulation 6 of this Annex:

(a) disposal into the sea of the following is prohibited:

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

(b) disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

(3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

(4) Reception facilities within special areas:

(a) The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area, adequate reception facilities are provided in accordance with Regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.

(b) The Government of each Party concerned shall notify the Organization of the measures taken pursuant to sub-paragraph (a) of this Regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

(c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available shall fully comply with the requirements of this Regulation.

REGULATION 6

EXCEPTIONS

Regulations 3, 4 and 5 of this Annex shall not apply to:

(a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

(b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

(c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

REGULATION 7

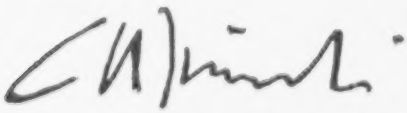
RECEPTION FACILITIES

(1) The Government of each Party to the Convention undertakes to ensure the provision of facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

(2) The Government of each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

Certified true copy of the English text of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, done at London on 2 November 1973, the original of which is deposited with the Secretary-General of the International Maritime Organization.

For the Secretary-General of the International Maritime Organization:



LONDON, *19 December 1986.*

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